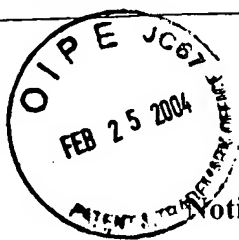




UNITED STATES PATENT AND TRADEMARK OFFICE



10/086,902 (d)
COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 10/17/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: Please submit the status identifier beside the text.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officel1yer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)

Telephone No.



02-26-04

1714

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Title: Synfuel Composition and Method of Making Same)	
)	
Inventor: J. Hundley)	Art Unit 1714
)	
Serial No.: 10/086,902)	Ex. C. Toomer
)	
Filed: March 1, 2002)	

To: Commissioner of Patents & Trademarks
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO FEB. 2, 2004 NOTICE OF NON-COMPLIANT

AMENDMENT

Now comes applicant and through the undersigned, his attorney of record,
requests an additional three months to respond to the Office Action of Feb., 2. 2004
Submitted herewith are new claims 45 to 63 with a proper identifier preceding them as
requested in the Office action, a copy of which is attached hereto.

A self-addressed stamped postcard is enclosed herewith and the Office is

requested to deposit with the U. S. Postal Service.

During informal discussions with the Examiner, she has raised the issue of the applicability of the Sinnige patent but it is deemed inappropriate to apply that patent to the claims, as amended. Again, it should be noted that no Polyvinyl alcohol is used in claim 45 while Sinnige's claimed invention must have polyvinyl alcohol. In addition, Sinnige MUST have Polyvinyl alcohol in it as it is the emulsifier and stabilizer. Without the Polyvinyl alcohol the Sinnige produce will not work.

As a further reason the reference does not apply, it is noted that on page 5, line 6, Sinnige claims that the emulsion based exclusively on fatty acid will have an adverse effect on the gypsum slurry. Thus, Sinnige cannot use the fatty acid.

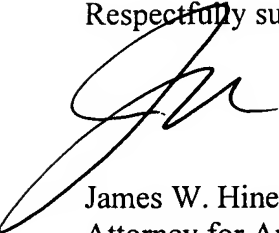
Note that claim 45 calls for a fatty acid neutralized with a base which is not found in Sinnige.

The Examiner is kindly requested to call the undersigned to discuss the reference when she gets to the case in hopes that she may agree that the claims differentiate from Sinnige. In any event, the undersigned is amenable to a telephonic conversation about the claims with a view to any amendments that may place them in condition for allowance.

In the event that the Examiner does not see her way clear to working on amendatory matter that would place the case in condition for allowance, she is requested to call the undersigned with a view to setting up another interview on the case with the

inventor to facilitate a discussion between the chemists.

Respectfully submitted,



James W. Hiney, Esq.
Attorney for Applicant
Reg. No. 24,705
1872 Pratt Drive, Suite 1100
Blacksburg, VA 24060
(540) 552-4400
Attachments: set of claims 45 to 63
SASE Postcard

Certification of Mailing

I, James W. Hiney, do hereby certify that an executed copy of this response, with a set of claims, was deposited, Express Mail Postage Prepaid, No. ER 422451569 US, with the United States Postal Service, this 25th day of February, 2004.



James W. Hiney